



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, NOVEMBER 20, 2018**

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**SUBJECT**      **Development Permit with Variance for Strata Lot 28, Section 16, Otter District, Strata Plan VIS7096 – 7450 Butler Road**

**ISSUE**

An application has been made for a development permit with variance in order to construct an industrial building and to reduce the required number of parking spaces.

**BACKGROUND**

The subject property is located on Butler Road at the Ramsden Road entrance to the Sooke Business Park strata development in Otter Point.

The property is currently zoned Sooke Business Park Industrial (M-SBP) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The applicant proposes to construct a six-tenant, 1,239 m<sup>2</sup> industrial building on vacant industrial land (Appendix 1 and 2). The properties are designated within the Commercial and Industrial Development Permit Area in the Otter Point Official Community Plan, 2014, Bylaw No. 3819, for the form and character of industrial development (Appendix 3).

Boulevard landscaping was installed along the strata road as part of Development Permit DP-07-08, issued for the original subdivision. The applicant is now requesting a development permit for the construction of a new multi-tenant building and for landscaping along the Ramsden Road frontage. The applicant has also requested a variance to reduce the minimum required number of parking spaces for the building from 30 to 21.

**ALTERNATIVES**

That the Land Use Committee recommends to the Capital Regional District Board:

1. That Development Permit with Variance DP000061 for Lot 28, Section 16, Otter District, Plan VIS7096, to authorize the construction of a 1,239 m<sup>2</sup> steel industrial building, and to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 3, Section 5.0, by reducing the required number of parking spaces from 30 to 21, be approved.
2. That Development Permit with Variance DV000061 be denied.
3. That the application be referred back to staff for additional information.

**LEGISLATIVE IMPLICATIONS**

The Otter Point Official Community Plan, 2014, Bylaw No. 3819, designates development permit areas for the form and character of industrial development. The subject properties are located within a Commercial and Industrial development permit area; therefore, a development permit is required for the proposed construction. CRD Delegation of Development Permit Approval Authority Bylaw, 2009, Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the power to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Part 3, Section 5.0 specifies that the parking requirement is not less than 5 per tenant or establishment. With 6 proposed units in the industrial development, a minimum of 30 parking spaces should be provided.

The proposed plan provides for 21 spaces; therefore, a variance is being requested to permit the development to proceed with fewer than 30 parking spaces.

### **PUBLIC CONSULTATION IMPLICATIONS**

Pursuant to Section 499 of the *Local Government Act (LGA)*, if a local government proposes to pass a resolution to issue a development variance permit, it must give notice to each resident/tenant within a distance specified by bylaw. Capital Regional District Bylaw No. 3110, Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the November 20, 2018, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering the issuance of a development permit.

### **LAND USE IMPLICATIONS**

#### *Development Permit:*

The owners have retained Number Ten Architectural Group to design a six-tenant, 1,239 m<sup>2</sup> industrial building on vacant industrial land within the Sooke Business Park Industrial (M-SBP) zone (Appendix 1 and 2). The construction must address the form and character development permit guidelines as outlined in Section 6.7.4, Guideline #1, of Bylaw No. 3819 (Appendix 3).

Guideline #2: The parcel has natural contours that slope uphill from east to west. The building will design foundations to retain most of the elevation differences such that the west side is one storey and the east side is two storeys.

There is no vegetation on the site as the land was historically used as an industrial log-sort and is asphalt-surfaced. Therefore, Guidelines #3 and 4 are not applicable.

Guideline #5 recommends planting of native or complementary species or using fencing to screen outdoor storage and loading facilities. Guideline #6 recommends that parking be screened with new landscaping. The subject property is located on the corner of a public road and an internal strata road within the Sooke Business Park and is visible from adjacent properties to the west. The site plan includes extensive landscaping on all sides of the building.

Outdoor lighting is to be of low-intensity and pedestrian-oriented so as to reduce glare into the environment and surrounding residential areas, in accordance with Guideline #7.

Guideline #8 indicates that the range of building materials should be complementary to existing buildings and that the exterior façade should include a combination of materials and textures. The proposed Building Plans (Appendix 2) indicate that the building will be finished with green and dark gray corrugated metal cladding and accented with wood posts, which is in keeping with the character of other industrial buildings in the Sooke Business Park.

As the subject property is not adjacent to a public trail, Guideline #9 is not applicable.

Roof-top equipment is not proposed; therefore, Guideline #10 is not applicable.

A detailed landscape plan addressing requirements was prepared as part of Development Permit DP-07-08, issued for the original subdivision in accordance with Guideline #12. The requirements of DP-07-08 were not completed at the time of subdivision; however, they will be completed as part of the proposed development.

*Variance:*

Parking, loading, and access and egress areas will remain on the strata road to the south and west of the property, which is in keeping of Guideline #11 of Section 6.7.4, of Bylaw No. 3819.

A previous site plan submitted by the applicant proposed that additional parking stalls would be provided along the Ramsden Road frontage. Juan de Fuca Planning staff highlighted to the applicant the previously approved landscape plan included in DP-07-08, which required planting and screening along Ramsden Road. The Ministry of Transportation and Infrastructure was also not supportive of multiple parking spaces directly accessed from the public road. Therefore, staff suggested to the applicant that landscaping and screening along Ramsden Road should be provided and that a variance to reduce the number of parking spaces be requested. Based on current parking levels within the Sooke Business Park, the proposed number of parking spaces is expected to be adequate.

Development Permit with Variance DV000061 is included as Appendix 4 for consideration. Since the proposed design satisfies the development permit guidelines as outlined in Section 6.7.4 of Bylaw No. 3819, and as no significant impacts are anticipated to result from reducing the number of parking spaces from 30 to 21 in this circumstance, staff recommend issuance of the development permit with variance subject to public notification.

**CONCLUSION**

The applicant has requested a development permit with variance for the purpose of constructing an industrial building and to vary the minimum number of required parking spaces. The proposed variance is to reduce the required minimum number of parking spaces from 30 to 21. Since the proposed design satisfies the development Commercial and Industrial Development Permit Area guidelines of Bylaw No. 3819, and as no significant impacts are anticipated to result from reducing the minimum number of required parking spaces, staff recommend approval of the development permit with variance subject to public notification.

**RECOMMENDATION**

That the Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DP000061 for Lot 28, Section 16, Otter District, Plan VIS7096, to authorize the construction of a 1,239 m<sup>2</sup> steel industrial building, and to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 3, Section 5.0, by reducing the required number of parking spaces from 30 to 21, be approved.

Submitted by:	Regina Robinson, Planning Assistant
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Bob Lapham, MCIP, RPP, Chief Administrative Officer

Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Site Plan and Building Design Drawings
- Appendix 3: Commercial and Industrial Development Permit Guidelines
- Appendix 4: Development Permit with Variance DV000061